

1 IN THE UNITED STATES DISTRICT COURT
2
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4
5 SHAWN C. LEIKER, No. C 09-02657 SBA (PR)
6 Petitioner,
7
8 v.
9
10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,
12 Respondent.

ORDER OF DISMISSAL

10 This case was commenced when Petitioner filed a document captioned "Petition For A Writ
11 of Habeas Corpus." Petitioner has paid the \$5.00 filing fee for habeas corpus actions.

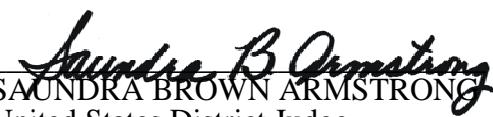
12 It appears from the petition that Petitioner challenges a state juvenile court proceeding.
13 However, this Court does not have jurisdiction to review a state court juvenile dependency
14 proceeding. Generally, no constitutional cause of action will lie for such claims where adequate
15 state post-deprivation procedures exist. See Ellis v. Hamilton, 669 F.2d 510, 514 (7th Cir.), cert.
16 denied, 459 U.S. 1069 (1982). For example, parents in child custody or dependency proceedings
17 can appeal or otherwise challenge the legality of the proceeding itself, can seek custody orders in the
18 state court which has jurisdiction over the child, can seek agency review, and perhaps bring a state
19 law action. See Mazor v. Shelton, 637 F. Supp. 330, 335-36 (N.D. Cal. 1986). It is most likely that
20 Petitioner's remedy lies in state court.

21 **CONCLUSION**

22 For the foregoing reasons, Petitioner's case is DISMISSED. The Court has rendered its final
23 decision on this matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court
24 shall terminate all pending motions and close the file.

25 IT IS SO ORDERED.

26 DATED: 5/3/10


27 SAUNDRA BROWN ARMSTRONG
28 United States District Judge

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5
6

7 SHAWN C LEIKER, Case Number: CV09-02657 SBA
8 Plaintiff, **CERTIFICATE OF SERVICE**
9 v.
10 THE PEOPLE OF THE STATE et al,
11 Defendant.

12 _____ /
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on May 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

17
18 Shawn C. Leiker 209387
19 MN Correctional Facility
20 7600 525th Street
Rush City, MN 55069

21 Dated: May 5, 2010

Richard W. Wiking, Clerk
By: LISA R CLARK, Deputy Clerk